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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/071,816

02/07/2002

Gilles Fabre

PALM-3740

2834

7590

08/17/2004

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EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

5

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/071,816

Applicant(s)

FABRE ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 17-20 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 17-20 and 24-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 06/03/2004 (entered into the file wrapper as Paper No. 4). Claims 1-4, 7, 17-20 and 24-33 are currently pending in the application. An action follows below:

#### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features, "a first amount", "a first graphical user interface", "a second amount", "a first feature size", "a second feature size" and "a first portion", as recited in **claim 25**, "a first set of the plurality of icons" and "a second set of the plurality of icons" and "the first set is a subset of the second set", as recited in **claim 28**, "a third amount" as recited in **claim 29**, "a fourth amount", "a third feature size", "a fourth feature size" and "a second portion", as recited in **claim 30**, and "a fourth amount", "a third feature size", "a fourth feature size" and "a second portion", as recited in **claim 32**, must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 25-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding to these claims, the disclosure, when filed, does not fairly contain information regarding to the claimed method comprising all the steps in order as recited in new independent claim 25. The disclosure, specifically fig. 6, discloses a process for initiating a fly over mode and navigation of information in search for a desired item of information. However, the mentioned disclosure does not fairly teach all the steps in order as recited in independent claim 25.

Accordingly, the original disclosure does not fairly convey to one of ordinary skill in the art that inventor(s) had in their possession the method as recited in claims 25-33.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 25-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims above, it is not clear what the Applicant means “a first feature size of the first amount of the first graphical user interface is **greater** than a second feature size of the second amount of the first graphical user interface”, and “a first portion of the second amount of the first graphical user interface **at the first feature size** in response to the first input”, lines 5-9, i.e., a first portion of the second amount is smaller (see lines 5-7 of claim 25) or equal to (see lines 8-9 of claim 25) the first feature size.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 7, 17-20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Heikkinen et al. (USPN: 6,073,036), hereinafter Heikkinen.

As per claims 1 and 17, the claimed invention reads on Heikkinen as follows: Heikkinen discloses a touch screen equipped computer device (a mobile station 10, a cellular phone, a personal communicator or a PDA, fig. 1A, col. 3, lines 42-45, col. 10, lines 39-44), an associate method and a computer readable media, the device comprising a touchscreen (a touch sensitive display 20, fig. 1A, col. 4, lines 53-58) for displaying a plurality of items (symbols, icons,

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functions and etc., col. 2, lines 15-19), and a computer system (see fig. 1A) having a processor (a controller 18, col. 3, line 56) coupled to a memory (24) (col. 4, lines 19-32 and lines 52). As noting in figs. 5A-5C and the corresponding description, col. 8, line 62 through col. 9, line 57, Heikkinen teaches steps (a)-(d) of claims 1 and 17, especially items (“T” and “U” symbols in fig. 5B) outside the fly over area (the magnification area corresponding to the “O” symbol, fig. 5B) shrunk with respect to the items (“T” and “U” symbols in fig. 5A) in the normal mode. Further, see fig. 4B and the corresponding description. Accordingly, the steps in the claims are read in the reference.

Regarding to claims 2 and 18, Heikkinen further teaches the movement commands for controlling the location of the magnification area with respect to the display screen (20) comprising a user dragging a navigation pointer (a user fingertip) across the display screen (see col. 9, lines 43-49, col. 6, lines 53-57 and col. 7, lines 4-14).

Regarding to claims 3 and 19, Heikkinen further teaches the when the user lifts the finger (i.e., the user stops controlling the location of the location of the magnification area), the display automatically returns to the unmagnified format (i.e., exiting the magnification display mode) (see fig. 4B, specifically the route from step 412a to step 416 and then back to step 400, and the operation described at col. 7, lines 50-67, and col. 9, lines 50-56).

Regarding to claims 4 and 20, as noting at col. 5, lines 2-4, Heikkinen further teaches the navigation pointer is a stylus.

Regarding to claims 7 and 24, as noting in fig. 3 and at col. 7, lines 4-7, Heikkinen further teaches scrolling a display area of the touchscreen until the desired character to be input is reached (i.e., this implies the magnification area reaching an edge of the touchscreen).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 7, 17-20 and 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (USPN: 6,704,034 B1), hereinafter Rodriguez, and further in view of DeLorme et al. (USPN: 6,321,158 B1), hereinafter DeLorme.

As per claims above, Rodriguez teaches a device (a computer 100, see fig. 1) and an associate method for implementing a touch screen user interface (see col. 3, line 29 and fig. 3B). Rodriguez discloses displaying a plurality of items (text 302, image 304) in a normal mode (specifically see fig. 3A) and registering a user input to enter a fly over mode (see fig. 3B). Further, Rodriguez teaches a fly over area (an overlay window 312, see fig. 3B) for providing a magnified view of items within the fly over area, and the items (e.g., a plurality of other objects such as an image 304, icons, windows, see fig. 3B, col. 1, lines 25-43) outside the fly over area remaining intact (see fig. 3B) or simultaneously magnified with the items inside the fly over area either with the same or different magnification levels (see fig. 4, col. 5, line 61 through col. 6, line 5). Rodriguez does not disclose expressly the items outside the fly over area shrunk with respect to the items in the normal mode. Accordingly, the Rodriguez reference discloses all the claimed limitations except that the items outside the fly over area are magnified instead of shrunk as presently claimed.

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However, DeLorme expressly teaches that the selected items can be either zoomed in (i.e., magnified) for showing a greater detail or zoomed out (i.e., shrunk) for showing more items (fig. 1A1, col. 16, lines 55-67 and col. 21, lines 28-40). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the zoom-out feature in the device of Rodriguez, in view of the teaching in the DeLorme reference, because this would provide the user to view more items that are around a selected item, as taught by DeLorme. Accordingly, it would have been obvious to combine DeLorme with Rodriguez to obtain the invention defined in these claims.

### *Response to Arguments*

11. It is noted Applicant that due to the claim rejections under 35 USC 112, first and second paragraph, in the last Office action dated 2/23/2004, are hereby withdrawn in view of the amendment filed on 6/3/2004.

12. Applicant's arguments, see the amendment, page 17, last paragraph, through page 18, line 8, filed 6/3/04, with respect to the rejections under 35 USC 102(e) as being anticipated by Choi et al. (USPN: 6,211,856 B1) and Van Ee (USPN: 6,466,203 B2) to the newly amended independent claims 1 and 17 have been fully considered and are persuasive. These rejections under 35 USC 102(e) of the last Office Action dated 2/23/2004 have been withdrawn.

13. Applicant's argument, see the amendment, page 17, last paragraph, through page 18, line 8, filed 6/3/04, with respect to the rejections under 35 USC 102(b) as being anticipated by Heikkinen to the newly amended independent claims 1 and 17 has been fully considered and is not persuasive. See the new ground of the rejection above.

### *Conclusion*

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14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ramage (USPN: 4,790, 028) discloses a related method comprising steps of magnifying items in the selected area and compressing items outside the selected area (see fig. 3, abstract), and Engholm et al. (USPN: 6,642,936 B1) discloses that the selected items can be either zoomed in (i.e., magnified) for showing a greater detail or zoomed out (i.e., shrunk) for showing more items (figs. 1-3, col. 2, lines 6-21).

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

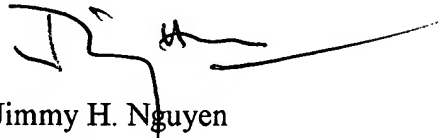
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JHN  
August 12, 2004



Jimmy H. Nguyen  
Examiner  
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